

**COMBINED DECLARATION and POWER OF ATTORNEY**  
(Utility, Design, National Stage of PCT)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

*(Check one applicable item below)*

- ☒ utility patent application  
☐ design patent application  
☐ national stage of PCT patent application

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION<sup>2</sup>**

ADJUSTABLE BONE FUSION IMPLANT AND METHOD

**SPECIFICATION IDENTIFICATION**

the specification of which:

*(complete (a), (b), or (c))*

(a) ☒ is attached hereto.

(b) ☐ was previously filed \_\_\_\_\_, as United States Patent Application Serial No. \_\_\_\_\_.

(c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article § 19 on \_\_\_\_\_ (*if any*).

## ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claim(s), as amended by any amendment specifically referred to in the declaration, referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56.

## FOREIGN PRIORITY CLAIM (35 USC § 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))<sup>3</sup>

(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows.

*Note: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below, and make the priority claim.*

## PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS<sup>4</sup> (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER § 119 or § 365
			<input type="checkbox"/> YES      NO <input type="checkbox"/>
			<input type="checkbox"/> YES      NO <input type="checkbox"/>
			<input type="checkbox"/> YES      NO <input type="checkbox"/>
			<input type="checkbox"/> YES      NO <input type="checkbox"/>

**U.S. PRIORITY CLAIM**  
**(35 USC § 120)**

I hereby claim the benefit under 35 USC § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America listed below, if any, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of title 35 USC § 112, I acknowledge duty to disclose information which is material to patentability as defined in title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international application filing date of this application.

UNITED STATES or PCT PARENT APPLICATION NO.	PARENT FILING DATE (month, day, year)	PARENT PATENT NO. (if applicable)
09/981,674	October 17, 2001	

**POWER OF ATTORNEY**

We hereby appoint as our attorneys and/or patent agents STEPHEN FACISZEWSKI, Registration No. 36,131, and all attorneys and/or patent agents listed under the following Customer Number with full power to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:



\*\* Customer Number Label \*\*

All correspondence and telephonic communications should be directed to:

DANA L. TANGREN  
WORKMAN, NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Telephone (801) 533-9800  
Facsimile (801) 328-1707

## DECLARATION

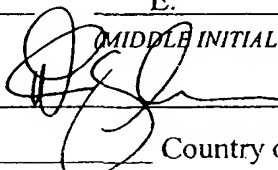
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)<sup>5</sup>

*NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.*

Full name of sole or first inventor

<u>Daniel</u>	<u>E.</u>	<u>Gerbac</u>
(GIVEN NAME)	(MIDDLE INITIAL OR NAME)	FAMILY (OR LAST NAME)

Inventor's signature 


Date 4/10/02 Country of Citizenship Canada

Residence 560 North 100 East, Logan, Utah 83421, United States

Post Office Address -Same as above-

Full name of second joint inventor, if any

<u>T.</u>	<u>Wade</u>	<u>Fallin</u>
(GIVEN NAME)	(MIDDLE INITIAL OR NAME)	FAMILY (OR LAST NAME)

Inventor's signature 

Date 04/08/02 Country of Citizenship United States

Residence 210 East 200 South, Hyde Park, Utah 84318, United States

Post Office Address -Same as above-

Full name of third joint inventor, if any

Tom  Faciszewski  
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)

Inventor's signature 

Date 4/3/02 Country of Citizenship United States

Residence M 331 Staadt Avenue, Marshfield, WI 54449, United States

Post Office Address -Same as above-

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WHEN RECORDED RETURN TO:

PATENT APPLICATION

Docket: 13447.9

WORKMAN, NYDEGGER & SEELEY

1000 Eagle Gate Tower

60 East South Temple

Salt Lake City, Utah 84111

## ASSIGNMENT

I,

(1) Name: Tom Faciszewski  
Address: M 331 Staadt Avenue  
Marshfield, WI 54449

am an inventor of a method and apparatus entitled ADJUSTABLE BONE FUSION IMPLANT AND METHOD, hereinafter called the "invention." Preferred embodiments of said invention are disclosed in United States Patent Application Serial Nos. 09/981,674, filed October 17, 2001 and 10/121,630, filed April 12, 2002, and in International Application No. PCT/US02/32972, filed October 16, 2002 (hereinafter collectively "Patent Applications").

The Assignee, Movdicé Holding, Inc., a corporation of the State of Nevada, having a principal place of business at 700 Capri, Suite 21B, PO Box 61221, Boulder City, Nevada 89005, desires to secure my entire right, title and interest in said invention and the above-identified Patent Applications.

In consideration of One Dollar (\$1.00) and other good and valuable consideration paid to me by the Assignee, the receipt and sufficiency of which I hereby acknowledge, I HEREBY ASSIGN TO THE ASSIGNEE:

My entire right, title and interest in said invention and in the above-identified Patent Applications and in all divisions, continuations and continuations-in-part of said applications, or reissues or extensions of Letters Patent or Patents granted thereon, and in all corresponding applications which may be filed in countries foreign to the United States, and in all patents issuing thereon in the United States and foreign countries.

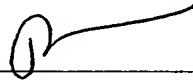
I hereby agree, without further consideration and without expense to me, to sign all lawful papers and to perform all other lawful acts which the Assignee may request of me to make this Assignment fully effective, including, by way of example but not of limitation, the following:

Prompt execution of all original, divisional, substitute, reissue, and other United States and foreign patent applications on said invention, and all lawful documents requested by the Assignee to further the prosecution of any of such patent applications.

Cooperation to the best of my ability in the execution of all lawful documents, the production of evidence, nullification, reissue, extension, or infringement proceedings involving said invention.

This assignment and agreement shall be binding upon my heirs and legal representatives.

Dated this 9<sup>th</sup> day of February 2003  
2002.



Tom Faciszewski



JUNE 14, 2002

PTAS

Chief Information Officer  
Washington, DC 20231  
www.uspto.gov

WORKMAN, NYDEGGER & SEELEY  
DANA L. TANGREN  
60 EAST GATE TOWER, SUITE 1000  
SALT LAKE CITY, UTAH 84111



\*102061451A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/12/2002

REEL/FRAME: 012796/0274  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

FALLIN, T. WADE

DOC DATE: 03/29/2002

ASSIGNOR:

GERBEC, DANIEL E.

DOC DATE: 03/29/2002

ASSIGNEE:

MEDICINELODGE, INC.  
180 SOUTH 600 WEST  
LOGAN, UTAH 84321

SERIAL NUMBER: 10121630  
PATENT NUMBER:

FILING DATE: 04/12/2002  
ISSUE DATE:

ALLYSON PURNELL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

DOCKETED  
Atty TAN File # 13447.9  
By DM On 6/24/02  
Action \_\_\_\_\_  
Response Due \_\_\_\_\_



04-19-2002

R SHEET

LY

Pat No.: 13447.9

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office



102061451

Tab settings

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

T. Wade Fallin  
Daniel E. Gerbec

04/12/02

2. Name and address of receiving party(ies):

Name: MEDICINELODGE, INC.

Address: 180 South 600 West

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

City: Logan State/Prov.: Utah

Country: USA ZIP: 84321

Execution Date: March 29, 2002

Additional name(s) & address(es) ☐ Yes ☒ No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: April 10, 2002

Patent Application No.

Filing date

4/16/2002 STEUNEL1 00000037 10121630

FC:581

40.00 OP

B. Patent No.(s)

Additional numbers

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Dana L. Tangren

Registration No. 37,246

Address:



022913

PATENT TRADEMARK OFFICE

City: \_\_\_\_\_ State/Prov.: \_\_\_\_\_

Country: \_\_\_\_\_ ZIP: \_\_\_\_\_

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☐ Authorized to be charged to deposit account

8. Deposit account number:

23-3178

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Dana L. Tangren

Name of Person Signing

Dana L. Tangren

Signature

April 12, 2002

3

Date

Total number of pages including cover sheet, attachments, and

WHEN RECORDED RETURN TO:

WORKMAN, NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111

PATENT APPLICATION

Docket: 13447.9

Express Mailing Label No. EL813876518US

## ASSIGNMENT

We,

- (1) Name: Daniel E. Gerbec  
Address: 560 North 100 East  
Logan, Utah 84321
- (2) Name: T. Wade Fallin  
Address: 210 East 200 South  
Hyde Park, Utah 84318

are inventors of a method and apparatus entitled ADJUSTABLE BONE FUSION IMPLANT AND METHOD, hereinafter called the "invention." Preferred embodiments of said invention are disclosed in a United States patent application executed concurrently herewith by us and now identified as File No. 13447.9 of the law firm of Workman, Nydegger & Seeley, 1000 Eagle Gate Tower, 60 East South Temple, Salt Lake City, Utah 84111, and filed in the United States Patent and Trademark Office as Serial No. \_\_\_\_\_ on \_\_\_\_\_. (We hereby authorize the attorneys of Workman, Nydegger & Seeley to insert said serial number and filing date when known.)

The Assignee, MedicineLodge, Inc., a corporation of the State of Delaware, having a principal place of business at 180 South 600 West, Logan, Utah 84321, desires to secure our entire right, title and interest in said invention.

In consideration of One Dollar (\$1.00) and other good and valuable consideration paid to us by the Assignee, the receipt and sufficiency of which we hereby acknowledge, we HEREBY ASSIGN TO THE ASSIGNEE:

Our entire right, title and interest in said invention and in the above-identified United States patent application and in all divisions, continuations and continuations-in-part of said application, or reissues or extensions of Letters Patent or Patents granted thereon, and in all corresponding applications which may be filed in countries foreign to the United States, and in all patents issuing thereon in the United States and foreign countries.

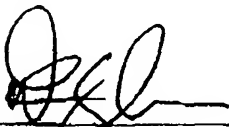
We hereby agree, without further consideration and without expense to us, to sign all lawful papers and to perform all other lawful acts which the Assignee may request of us to make this Assignment fully effective, including, by way of example but not of limitation, the following:

Prompt execution of all original, divisional, substitute, reissue, and other United States and foreign patent applications on said invention, and all lawful documents requested by the Assignee to further the prosecution of any of such patent applications.

Cooperation to the best of our ability in the execution of all lawful documents, the production of evidence, nullification, reissue, extension, or infringement proceedings involving said invention.

This assignment and agreement shall be binding upon our heirs and legal representatives.

Dated this 29 day of March 2002.

  
\_\_\_\_\_  
Daniel E. Gerbec

Dated this 21 day of MARCH 2002.

  
\_\_\_\_\_  
T. Wade Fallin